

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America v. Martin S. Gottesfeld Defendant, pro se

Case No.: 16-cr-10305

NOTICE OF RECEIPT OF PSR AND APPEAL

Defendant Martin S. Gottesfeld (herein "Defendant"), acting pro se over his continuing objection, hereby notifies The Honorable U.S. District Court that he received the final pre-sentencing report (PSR) from probation at approximately 1:00PM the afternoon of Friday, January 4th, 2019 - after he had notarized the affidavit accompanying his motion for a continuance dated the same day. The PSR arrived postmarked January 2nd, 2019 - after his affidavit pursuant to 28 U.S.C. § 144 (D.E. 346), his motion for disqualification pursuant to 28 U.S.C. § 144 (D.E. 344); his motion for disqualification pursuant to 28 U.S.C. §§ 455(a) and 455(b) (D.E. 345), his supplemental motion for disqualification pursuant to 28 U.S.C. §§ 455(a) and 455(b) (D.E. 347), and his motion for hearing transcripts (D.E. 348) had each and all been received at the courthouse.

The defendant has not yet had an opportunity to review fully the final PSR, which is a highly-detailed 52-page

document of critical importance. However, he has already noticed a serious difference from the preliminary version: Brigham and Women's Hospital (herein "BWH"); which played a pivotal role in pre-trial motions (please see D.E. 128, 166, and 209), trial testimony (please see D.E. 327 page 194 line 24 through page 199 line 13), closing arguments (please see D.E. 329 page 6 lines 11-13), and the aforementioned filings which were received at the courthouse before the final PSR was postmarked (please see D.E. 346, 344, 345, and 347); has been quite conspicuously removed from the "Total Loss" section on page 21 (paragraph 75) of the final PSR - which again wasn't mailed to the defendant until after the receipt by The Courthouse of his filings D.E. 344-349.

Additionally, the defendant is still yet to receive the government's sentencing memorandum. Please see the affidavit attached hereto as Exhibit A.

The defendant's motion for a continuance in light of his late receipt of both the final PSR and at some future point of the government's sentencing memorandum, which is being mailed by the defendant with this notice, stands for all of the reasons stated therein.

The defendant also wishes to notify The Honorable U.S. District Court respectfully of his intent to seek interlocutory review with The United States Court of Appeals for The First Circuit for a continuance of the sentencing hearing in order to give him adequate time to prepare.

The defendant hereby requests the application of the

prison mailbox rule to this filing.

Respectfully mailed on January 4th, 2019

M S G

Martin S. Gottesfeld, pro se
PCCF, ID 71225, Unit H1, Cell 235
26 Long Pond Road
Plymouth, MA 02360

CERTIFICATE OF SERVICE

I, Martin S. Gottesfeld, pro se, will arrange for the foregoing document to be mailed to Assistant U.S. Attorney David J. D'Adda early next week. I will not do so now because I will not be able to have copies made until Monday, and I have urgent filings to which I must attend.

Signed on Friday, January 4th, 2019,


M S G

Martin S. Gottesfeld, pro se

~~Affidavit~~

I, Martin S. Gottesfeld, do hereby affirm that the following is true and accurate to the best of my knowledge, information, and belief on this 4th day of January, 2019:

1. At approximately 1PM today, after I had sworn an earlier affidavit, I received a final copy of the pre-sentencing report (PSR) in the mail from the U.S. Probation Department.
2. I still have not received a copy of the government's sentencing memorandum.
3. The final PSR was postmarked January 2nd, 2019.
4. Unless a continuance is granted, I will NOT have an adequate amount of time to prepare and to mail a sentencing memorandum in time for it to reach the courthouse prior to Thursday, January 10th, 2019 - the date of the scheduled sentencing hearing.

Signed under penalty of perjury,


Martin S. Gottesfeld